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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/542,159	04/04/2000	Allen Havemose	AMI 99 0005	6141

32718 7590 08/12/2004

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EXAMINER

OPIE, GEORGE L

ART UNIT

PAPER NUMBER

2126

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/542,159	Havemose	
	Examiner	Art Unit	
	George L. Opie	2126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

**Status**

- 1) ☒ Responsive to communication(s) filed on 8 April 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3, 5-10, 12 and 14-18 is/are pending in the application.
- 4a) Of the above claim(s) ☐ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9 and 18 is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5-8, 10, 12 and 14-17 is/are rejected.
- 7) ☐ Claim(s) ☐ is/are objected to.
- 8) ☐ Claim(s) ☐ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ☐ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ☐ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) ☐.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

**Attachment(s)**

- |  |  |
|--|--|
| 14) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 17) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). <input type="checkbox"/> . |
| 15) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                              | 18) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                     |
| 16) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <input type="checkbox"/> . | 19) <input type="checkbox"/> Other:  |

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## DETAILED ACTION

This Office Action is responsive to Applicant's Amendment filed 8 April 2004, in which claims 9 & 18 were amended.

The Office acknowledges Applicant's inclusion of an electronic copy of the amendment on a 3½inch floppy disk, and the Office would like to thank Applicant for submitting the amendment in electronic form to expedite its processing.

1. Allowable Subjectmatter

Claims 9 and 18 are allowed.

2. The U.S. Patents used in the art rejections below have been provided as text documents which correspond to the U.S. Patents. The relevant portions of the text documents are cited according to page and line numbers in the art rejections below. For the convenience of Applicant, the cited sections are highlighted in the *text documents*. Consistent with Office procedure, the U.S. Patents corresponding to the *text documents* are also included with this action.

3. Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 5-6, 10, 12 and 14-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nessett et al. (u.S. Patent 5,727,145) in view of Rangarajan et al. (U.S. Patent 6,185,609).

As to claim 1, Nessett teaches a method for providing distributed functionality over a network (distributed object computing system, p5 7-24) comprising:

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receiving a request to perform a task on a first digital information appliance (request ... the client, p8 5-16) the task requiring a resource not included on the first digital information appliance (reference in order to communicate with a target object in a remote server, p13 29-43)

locating a second digital information appliance over a network (client performs a locate operation ... indicative of ... an object server identifier, p3 14-57) the second digital information appliance including the resource (servant (target object), p5 7-24)

transferring the request From the first digital information appliance to the second digital information appliance (marshal and physically transport information to and from servant objects, p8 5-16) so as to enable the task to be performed on the second digital information appliance (desired servant object on its host machine, p9 23-37)

returning a result of the performed task by the second digital information appliance to the first digital information appliance (transport mechanisms and facilities necessary to ... return a response to the client, p5 7-24)

wherein the request is received by a first program object on the first digital information appliance and the task is performed by a second program object on the second digital information appliance (client 20 receives a request which is transmitted to the target object for execution on the remote machine, p5 7-24)

wherein locating includes utilizing an architecture administrator (ORB, p5 7-40) capable of at least one of finding and creating an instance of the second program object (ORB locates the appropriate server and, if necessary it operates to start up this server process, p14 1-12).

Nessett does not explicitly disclose the additional limitations detailed below.

Rangarajan (p6 39 – p7 5) teaches the architecture administrator (JMA dispatcher 221 ) only controls launch of the program objects (client communicates with JMA 221 to creates server objects). It would have been obvious to combine Rangarajan's teachings with Nessett because the Java management architecture's "use of a thin-class", p10 13-52 would conserve computing resources as the "invocation process 1100 completes " upon delivery of the desired object, thereby providing Nessett's system with a low-overhead routine it could incorporate for optimizing the object instantiation service.

As to claim 3, Nessett (p5 27-47) teaches the interface dynamic base object and the implementation dynamic base object as recited.

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As to claim 5, Nessett (p17 32-40) teaches that "[e]mbodiments of the present invention ... may be specially constructed for the required purposes".

As to claim 6, Nessett (p14 1-12) teaches "if it is determined that the identified server is already running, then control moves directly to step 310."

As to claims 10, 12 and 14-15, note the rejections of claims 1, 3 and 5-6 above. Claims 10, 12 and 14-15 are the same as claims 1, 3 and 5-6, except claims 10, 12 and 14-15 are apparatus claims and claims 1, 3 and 5-6 are method claims.

5. Claims 7-8 and 16-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nessett and Rangarajan as applied to claims 1 and 10 respectively, and further in view of the Admitted Prior Art (APA) provided in the Application's "background of the invention".

As to claim 7, the APA teaches "purchases of goods and services are becoming common over the INTERNET." These "on-line" transactions include billing information, and it would have been obvious to combine/ encapsulate this in Nessett's client/server object processing, thereby computing the costs concomitant with the requested operations.

As to claim 8, see the discussion of claim 3 supra.

As to claims 16-17, note the rejections of claims 7-8 above. Claims 16-17 are the same as claims 7-8, except claims 16-17 are apparatus claims and claims 7-8 are method claims.

## **6. Response to Applicant's Arguments:**

Applicant argues (claims 1 and 10) that the teachings of Nessett and Rangarajan do not meet the functionality of an architecture administrator that controls the object launching. Contrary to Applicant's contentions, the Nessett and Rangarajan teachings do show the claimed object invoking operations for managing the communications in a distributed system. Nessett and Rangarajan clearly describe the claimed systematic object locating/creating necessary to initiate an information service/communication. The claim rejections contain a detailed mapping of each element in the claim with its equivalent component taught by Nessett and Rangarajan, and thus, the prior art plainly teaches the concept of controlling the launch of program objects as claimed.

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In considering the "architecture administrator" and its object launching recitations, it is noted that Applicant uses terminology that has broad meaning in the art, and thus requires a broad interpretation of the claims in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant's current claims contain coverage breadth which is inconsistent with breadth of the disclosure and are not found distinguishable above the prior art of record. In order to advance the case for patentability, Applicant should set forth claims in language that clearly, distinctly, unambiguously and uniquely define the invention.

The architecture administrator and its object launching limitations are clearly subject to a broad interpretation, as detailed in the rejections maintained above. The Examiner has a *duty* and *responsibility* to the public and to Applicant to interpret the claims *as broadly as reasonably possible* during prosecution. (see *In re Prater*, 56 CCPA 1381, 415F.2d 1393, 162 USPQ 541 (1969) ). Consequently, the Nessett/ Rangarajan object invoking teachings do read-on the recited administrator's launching operation as broadly claimed. For one of ordinary skill in the art, the cited prior art clearly shows object instantiation that would have rendered obvious the object launching as broadly claimed.

In light of the references of record, the claimed "architecture administrator" that only controls launching of objects, in the manner recited in the pending claims does not constitute a non obvious improvement over the prior art.

Applicant's arguments, filed 8 April 2004, have been fully considered but are deemed to be unpersuasive. For the reasons detailed above, the rejections are maintained as set forth supra.

The Office acknowledges Applicant's inclusion of an electronic copy of the amendment on a 3½inch floppy disk, and the Office would like to thank Applicant for submitting the amendment in electronic form to expedite its processing.

7. THIS ACTION IS MADE FINAL.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE

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ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

**8. Request for copy of Applicant's response on floppy disk:**

Please help expedite the prosecution of this application by including, along with your amendment response in paper form, an electronic file copy in WordPerfect, Microsoft Word, or in ASCII text format on a 3½ inch IBM format floppy disk.

Please include all pending claims along with your responsive remarks. Only the paper copy will be entered -- your floppy disk file will be considered a duplicate copy. Signatures are not required on the disk copy. The floppy disk copy is not mandatory; however, it will help expedite the processing of your application. Your cooperation is appreciated.

**Contact Information:**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

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- ☐ All responses sent by U.S. Mail should be mailed to:

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- ☐ Hand-delivered responses should be brought to Crystal Park Two, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist). All hand-delivered

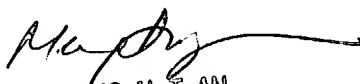


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responses will be handled and entered by the docketing personnel. Please do not hand deliver responses directly to the Examiner.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

- ☐ Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at **(703) 305-9600**.
- ☐ Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Opie at (703) 308-9120 or via e-mail at *George.Opie@uspto.gov*. Internet e-mail should not be used where sensitive data will be exchanged or where there exists a possibility that sensitive data could be identified unless there is an express waiver of the confidentiality requirements under 35 U.S.C. 122 by the Applicant. Sensitive data includes confidential information related to patent applications.

  
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